



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/988,479 12/10/97 FEIN

M 009103-01400

020350 MM92/0710
TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111

EXAMINER

INZIRILLO, G

ART UNIT

PAPER NUMBER

2881

DATE MAILED: 07/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/988,479

Applicant(s)

FEIN, MICHAEL E.

Examiner

Gioacchino (NMI) Inzirillo

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-31 and 48-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-31 and 48-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 27 – 31 and 48 – 54 are withdrawn in view of the newly discovered reference(s) to Jansson et al US4898450. Rejections based on the newly cited reference(s) follow.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the set up of claim 4 must be shown. No new matter should be entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 – 31 and 48 – 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The description of the “port” ’s are misleading and incorrect. The “ports” as described ,where present in the claims, can be mistaken for a connection device

Art Unit: 2881

coupling the non-imaging optical waveguide to the optical fiber, when they are in fact the openings in the non-imaging waveguide that allows the light to pass through. The “non-imaging optical concentrator” can be misunderstood to be a separate item of the optical setup when it is in fact a physical part of the non-imaging optical waveguide. The descriptions of the sections parallel to the plane of said corner is unclear, where present in the claims, since neither the sections nor the plane are defined and also the manner in which they are identical (optical characteristics etc.) is not mentioned, and the upper and lower surfaces of the waveguide are not defined. It is unclear how there can be planar reflective surfaces in two sections of a parabola, and similarly how a corner (generally understood to contain a right angle) is formed in the parabolic sections.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2 – 11, 25 – 31, 51 and 54, as is taught and as well as was understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Jannson et al US4898450. Fig 11 shows an apparatus for efficiently deflecting light from an optical fiber around a corner comprising a first port, through which a beam 57 enters and exits at an angle less than 90 degrees, into non-imaging optical waveguide 53 where portion 54 is designed to redirect light, a second port,

Art Unit: 2881

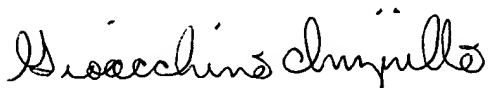
through which beam 58 may exit, a third port where a beam 59 may exit, and a fourth port where beam 56, may be a new beam or a return signal may enter. In Fig 11 we can also see that the sections parallel to the plane of the corner are identical, rectangular and planar reflective surfaces. Fig 11 also shows how the ports have circular and rectangular portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gioacchino (NMI) Inzirillo whose telephone number is 703-305-1967. The examiner can normally be reached on M-F 8:30AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa M Arroyo can be reached on 703-308-4782. The fax phone numbers for the organization where this application or proceeding is assigned are 709-308-7722 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Gioacchino (NMI) Inzirillo



Examiner
Art Unit 2881

Teresa M. Arroyo



Supervisory Patent Examiner
Art Unit 2881

TMA/gi
July 5, 2000